

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
AL QUARLES, JR.(b) County of Residence of First Listed Plaintiff Montgomery
(EXCEPT IN U.S. PLAINTIFF CASES)DEFENDANTS
NETFLIX, INC(c) Attorneys (Firm Name, Address, and Telephone Number)
Bryan R. Lentz, Esquire
1524 Locust Street, Philadelphia, PA 19102
215-735-3900County of Residence of First Listed Defendant Santa Clara
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 2	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 5
Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 3	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 6
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 4	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 7

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
		IMMIGRATION		
		<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Copyright Act of 1976, 17 U.S.C. §101 et seq.

VI. CAUSE OF ACTION

Brief description of cause:
Copyright Infringement

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.

DEMAND \$

in excess of \$150,000 JURY DEMAND: Yes NoVIII. RELATED CASE(S)
IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

7-18-17

SIGNATURE OF ATTORNEY OF RECORD

Bry R. SPT

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Al Quarles, Jr	:	CIVIL ACTION
v.		:
Netflix, Inc., et al	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

7/18/17

Date

215-735-3900

Bryan R. Lentz, Esq.

Attorney-at-law

215-735-2455



Attorney for Plaintiff

blentz@bochettoandlentz.com

Telephone

FAX Number

E-Mail Address

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1608 High Avenue, Willow Grove, PA 19090

Address of Defendant: 100 Winchester Circle, Los Gatos, CA 95032

Place of Accident, Incident or Transaction: Eastern District of PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No

Does this case involve multidistrict litigation possibilities?

Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes No

CIVIL: (Place in ONE CATEGORY ONLY)

A. *Federal Question Cases:*

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All other Federal Question Cases
(Please specify) Copyright

B. *Diversity Jurisdiction Cases:*

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases

(Please specify) _____

I, Bryan Lentz, Esquire

(Check Appropriate Category)

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 7-18-17



Attorney-at-Law

71383

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 7-18-17



Attorney-at-Law

71383

Attorney I.D.#

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1608 High Avenue, Willow Grove, PA 19090

Address of Defendant: 100 Winchester Circle, Los Gatos, CA 95032

Place of Accident, Incident or Transaction: Eastern District of PA
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No

Does this case involve multidistrict litigation possibilities?

Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes No

CIVIL: (Place in ONE CATEGORY ONLY)

A. *Federal Question Cases:*

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases

11. All other Federal Question Cases
(Please specify) Copyright

B. *Diversity Jurisdiction Cases:*

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Bryan Lentz, Esquire

, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 7-18-17



Attorney-at-Law

71383

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 7-18-17



Attorney-at-Law

71383

Attorney I.D.#

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AL QUARLES, JR.	:
1608 High Avenue	:
Willow Grove, PA 19090	:
	Civil Case No. _____
 <i>Plaintiff</i>	
v.	:
NETFLIX, INC.	:
100 Winchester Circle	:
Los Gatos, CA 95032	:
And	:
MANDALAY ENTERTAINMENT	:
GROUP	:
4751 Wilshire Boulevard, Third Floor	:
Los Angeles, CA 90010	:
And	:
<u>JURY TRIAL DEMANDED</u>	
GERARD McMURRAY	:
132 S. Rodeo Dr.	:
Beverly Hills, CA 90212	:
And	:
CHRISTINE BERG	:
300 Corporate Pointe, Ste. 330	:
Culver City, CA 90230	:
 <i>Defendants</i>	

CIVIL ACTION – COMPLAINT

Plaintiff, Al Quarles, Jr., by and through undersigned counsel, Bochetto & Lentz, P.C. (“B&L”), avers as follows in support of his Complaint against all Defendants:

I. INTRODUCTION

1. This case arises from the Defendants' unlawful use and copying of Plaintiff Al Quarles Jr.'s original literary creation.

2. Plaintiff spent almost 20 years writing the *Burning Sands* which included two volumes: Volume 1: "*My Brother's Keeper*"; and Volume II: "*Hell 2 Pay*" (collectively "the Burning Sands Book" or "the Book").

3. The Book is a coming-of-age story about the experiences of 6 young men pledging a fraternity at a rural historically black college. Volume 1 was published in December 2014.

4. The Defendants copied unique portions of the Book in order to create the Netflix Original film, "Burning Sands" ("Burning Sands Film" or "the Film").

5. The Film was released in 2017 and, like the Book, was a coming-of-age story about the experiences of 6 young men pledging a fraternity at a rural historically black college.

6. In addition to the identical title and setting, the Book and the Film contain elements that are virtually identical, including characters with the same names and plot-points crafted to convey identical meanings and representations.

II. PARTIES

7. Plaintiff, Al Quarles, Jr. ("Plaintiff" or "Quarles") is an adult individual, citizen of the state of Pennsylvania and the author and the owner of the copyright to the Book.

8. Defendant, Netflix ("Netflix") is a Delaware Corporation with its principal place of business in Los Gatos, California.

9. Netflix is a subscription service providing consumers with access to motion pictures, television shows and other entertainment products in a variety of formats, including a

streaming video service.

10. Netflix may be served at their corporate headquarters at 100 Winchester Circle, Los Gatos, California, 95032.

11. Netflix produced the Burning Sands Film and promoted, marketed, and distributed it via their subscription service.

12. Defendant, Mandalay Entertainment Group (“Mandalay”) is a California corporation with its principal place of business at 4751 Wilshire Blvd, Third Floor, Los Angeles, California 90010.

13. Mandalay was the production company for the Film.

14. Defendant, Gerard McMurray (“McMurray”) is the co-writer and director of the Film. He may be served via his legal counsel at 132 S. Rodeo Drive, Beverly Hills, California 90212.

15. Defendant, Christine Berg (“Berg”) co-wrote the screenplay for the Film. She may be served via her authorized agent, Stories International, 300 Corporate Pointe, Ste 330, Culver City, California 90230.

III. JURISDICTION AND VENUE

16. This is an action for copyright infringement arising under the Copyright Act of 1976, 17 U.S.C. § 101 *et seq.* This Court has jurisdiction of this action under 28 U.S.C. §§ 1331, 1338(a) and 1338(b). Plaintiff’s damages exceed the jurisdictional minimum of this Court.

17. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(a) as a substantial part of the events or omissions giving rise to the claim occurred in the Eastern District where the Plaintiff lives and wrote the Book at issue. In addition, the Film at issue was marketed, viewed and advertised in this District.

IV. FACTUAL ALLEGATIONS

A. Plaintiff Quarles' Fraternity Experience.

18. Plaintiff, Quarles is an experienced education professional in Philadelphia.
19. Quarles has been employed in the field of behavioral health and education for most of his adult life.
20. He is currently the Administrator of Homeless and Emergency Services for the School District of Philadelphia and the Regional Coordinator for Pennsylvania Department of Education.
21. Quarles received his Bachelor's Degree in Speech Communications from Millersville University ("Millersville") and a Master's Degree in Educational Psychology from Temple University.
22. Millersville is located in rural Lancaster County, Pennsylvania.
23. In the fall of 1988, while attending Millersville, Quarles pledged and became a member of Kappa Alpha Psi Fraternity Incorporated, Lambda Tau Chapter.
24. Kappa Alpha Psi is a predominately African-American fraternity.
25. It has been in existence for over 100 years.
26. Quarles remained an active member of Kappa Alpha Psi even through his Master's Degree at Temple University.
27. Quarles continues to maintain connections to Kappa Alpha Psi and Greek life to this date.

B. Mr. Quarles's Authorship And The Burning Sands Book

28. In addition to his work in the education field, Mr. Quarles is a writer.

29. All of Quarles' writing is fiction.
30. He uses his life experiences as the raw material for his artistic creations however; none of his characters or scenes are based on real people or events.
31. As a result of his experience in Greek life, Quarles conceptualized a novel that would tell the "real story" about African-American fraternity life. That idea became the Book.
32. Quarles began work on the Book in or around 1998 and wrote it in his spare time while working full-time as an educator.
33. Quarles filed and completed an application to register both volumes of the Burning Sands Book for copyright registration with the United States Copyright Office.
34. On August 20, 2013, Copyright ISBN-978150385793 was issued for Volume I.
35. And on December 2, 2015, Copyright ISBN-1522787682 was issued for Volume II.
36. Quarles is the sole owner of the rights to these copyrighted works of literature.
37. Volume 1 became available on Amazon in December 2014.
38. Volume 2 became available on Amazon in December 2015.
39. Beginning in August of 2013 when Volume 1 received Copyright protection and continuing up to and after the release of Volume II, Quarles pursued a comprehensive grassroots marketing campaign in order to promote the Book. During this campaign, the book was distributed to many different sources.

C. The Book Is Marketed in Defendant McMurray's Social Network

40. In December 2014 shortly after Volume I was published, Quarles and the Book were featured in the African American Golfer's digest, a national publication (See Ex. A).

41. Quarles used the digest article and others to supplement and populate a wide-ranging social media campaign.

42. Since 2005 Plaintiff has been a Charter member of the Kappa Alpha Psi, Abington-Ambler Alumni Chapter.

43. The Book has been featured on that Chapter's public website since at least 2015.

44. In November of 2016 the Book was featured in an article in the preeminent African American newspaper in the Philadelphia region 'The Philadelphia Tribune' in article entitled; "*Abington Native dissects Greek Life in offbeat books*" (Bobbi Booker, Philadelphia Tribune November 19, 2016).

45. Quarles' marketing campaign also included maintaining a steady presence on various social media platforms including Facebook, Twitter, Instagram and others.

46. By way of example, the promotional campaign on Instagram targeted and was promoted on African American Greek Life accounts, including @pyramids_and_diamonds (Kappa Alpha Psi and Delta Sigma Theta) with 59,800 followers, @yo_kitty_1911_1920 (Kappa Alpha Psi and Zeta Phi Beta) with 24,000 followers, and @visit.indiana (Kappa Alpha Psi and Sigma Gamma Rho) with 14,900 followers.

47. Plaintiff's early social media promotions included the tagline "Read the Movie."

48. This was a reference to Plaintiff's intention to eventually turn the Book into a film adaptation.

49. Plaintiff also promoted the Book on Facebook to over 94 author and reading groups with an emphasis on topics of interest to African Americans, and to 18 Facebook groups with a specific focus on African-American Greek life.

50. These promotions on Facebook and other sites included “tagging” the African-American Greek organizations’ pages in multiple regions throughout the United States including in California.

51. The Facebook posts were shared by hundreds of people connected nationally to Greek organizations and to the publishing and film industry.

52. Quarles’ posts often included hashtags for specific African-American fraternities.

53. One post that Quarles made was hashtagged “#OmegaPsiPhi.” Omega Psi Phi is an African American fraternity.

54. The posts, including the #OmegaPsiPhi, were shared widely.

55. Defendant McMurray is a member of the Omega Psi Phi fraternity.

56. In addition to tagging specific fraternities Quarles also targeted individuals who had large social networks.

57. Among Quarles’ many connections who promoted the book online were actors, authors and business leaders in all parts of the country including in California.

58. Brian A. Wilson (“Wilson”) is a well-known actor who has appeared in films including, “Law Abiding Citizen” and the HBO series the Wire.

59. He is also one of Quarles’ fraternity brothers.

60. Wilson promoted Volume I on his personal Facebook page in 2015 and was photographed holding Volume I as part of his support of the effort.

61. The Book was also promoted on various social media platforms by multiple members of national black fraternities including; Alpha Kappa Alpha, Kappa Alpha Psi, Zeta Phi Beta, Delta Sigma Theta, Omega Psi Phi, Iota Phi Theta, Sigma Gamma Rho, and other Greek related organizations, all of whom posted photographs while holding the Book.

62. Upon information and belief, Defendants obtained access to Plaintiff's copyrighted materials during the broad publication process referenced herein.

D. Defendants Infringe on Plaintiff's Copyright by Creating the Film "Burning Sands"

63. As set forth above, the Book was marketed on the internet and social media, and sold on Amazon, where both Defendant McMurray and Defendant Berg would have easily been able to access it.

64. Defendant McMurray is a 2002 graduate of Howard University in Washington D.C., and is a member of the Omega Psi Phi fraternity.

65. Defendant McMurray grew up in New Orleans, and is currently an adjunct professor in Atlanta, GA.

66. Notably, *none* of McMurray's educational experiences occurred in a rural college setting like Millersville, or the college which was the setting for the Film.

67. Defendant McMurray is a film producer, writer, and director.

68. The Film was based on a screen play written by McMurray and Berg after the publication of the Burning Sands book.

69. Prior to the Film, McMurray worked on Fruitvale Station, a film about the true story of the death of a young African-American man at the hands of a transit police officer.

70. Moreover, prior to 2014, published reports indicate the McMurray was focused on producing a film about police brutality *not* black fraternities.

71. Sometime in 2014, McMurray began to change his focus from a film about police brutality to a film about black fraternities.

72. McMurray was originally titling his film on black fraternities "Underground."

73. However, after the release of Volume I, McMurray changed the project title to “Burning Sands.”

74. McMurray continued work and made substantial revisions to the Film script in 2016, after the release of Volume II of the Burning Sand Book.

75. By the time McMurray and Berg completed their script in 2016, Quarles’ Book had been available to the public for 2 years, and the two volumes combined had over 1200 copies sold and downloaded on Amazon, Amazon Kindle, and Barnes & Noble, and tens of thousands of page reads.

76. The Burning Sands Film had its world premiere at the Sundance Film Festival, on January 24, 2017.

77. Netflix released the Film to the public on March 10, 2017.

E. The Film’s Undisputed Similarities To The Book.

78. As set forth below, the Film borrows heavily from the Book and includes more than **100** easily documented instances of substantial similarity.

79. Such substantial similarities include the following:

	Burning Sands Book	Burning Sands Film
1	The central character is a young black man named Omar who goes by a single letter nickname (O).	The central character is a young black man named Zurich who goes by a single letter nickname (Z).
2	The central character, O, is a poet who frequently writes and recites poems. O finds joy and strength in writing.	The central character, Z, is a strong writer who finds joy and strength in writing.
3	One of the big brothers is particularly mean and cruel. This bully character is named Big Bill.	One of the big brothers is particularly mean and cruel. This bully character is named Big C.

4	The central character (O) has a love interest named Janet. Janet is a diva character who is much larger and more voluptuous than the central character's girlfriend (Lauren).	The central character (Z) has two love interests named Toya and Angel. Toya and Angel are diva characters who are much larger and more voluptuous than the central character's girlfriend.
5	The love interest (Janet) is associated with the fraternity because she is dating Big Bill.	One of the love interests (Toya) is associated with the fraternity because she is part of a pledging ritual and regularly spends time at the fraternity pledging activity.
6	The love interest's name – Janet – is the name of Michael Jackson's sister Janet Jackson.	The love interest's name – Toya – is the diminutive for LaToya, the name of Michael Jackson's other sister.
7	The two female teacher characters that worry about the pledges and take a special interest in getting them to focus on their school work are named Professor Jackson and <i>Dr. Hughes</i> .	The female teacher character that worries about the pledges and takes a special interest in getting them to focus on their school work is named <i>Professor Hughes</i> .
8	Dr. Hughes has a close relationship with the fraternity advisor, George.	Professor Hughes has a close relationship with the fraternity advisor, Dean Richardson.
9	Professor Jackson and Dr. Hughes take on nurturing and protective roles when they urge the main character to be a leader, notice the injuries that the pledges are sustaining, and complain to the fraternity advisor.	Professor Hughes takes on a nurturing and protective role when she urges the main character to be a leader, notices the injuries that the pledges are sustaining, and comments on them to the fraternity advisor.
10	On two occasions the pledges run into white police officers during an evening pledge event and are able to talk themselves out of trouble because the police officers are understanding of their situation.	The pledges run into white police officers during an evening pledge event and are able to talk themselves out of trouble because the police officers are understanding of their situation.
11	One of the police officers was in a fraternity himself, which suggests that he felt sympathetic and lenient towards the pledges for this reason.	One of the police officers says "So much for the code of silence, huh? I was a fraternity brother myself. You get up out of the woods and don't let me catch you here after hours again."

12	The central character (O) recites an Edward Guest poem (Don't Quit) about perseverance. O recites "When things go wrong, as they sometimes will,/ When the road you're trudging seems all up hill, / When the funds are low and the debt are high, And you want to smile, but you have to sigh,/ When cares are pressing you down a bit,/ Rest if you must, but don't you quit. ... /"	The central character (Z) recites an Edward Guest poem (See It Through) about perseverance. Z recites "When you're up against trouble, meet it face to face. Lift your chin and say short is pain for me and take a brace..."
13	The action takes place on the campus of a HBC/U in a country/rural setting (Quarles attended college and pledged in a rural area, Lancaster, Pennsylvania.)	The action takes place on the campus of a HBC/U in a country/rural setting (McMurray attended college and pledged in an Urban area-Washington, D.C.)
14	Pledges are required to knock <i>four times</i> when they are entering in the presence of big brothers.	In the movie, the pledges always knock four times when entering a big brothers room.
15	The pledges are instructed to wear navy blue sweatshirts, white tee shirts, blue jeans and black army boots.	The pledges wear navy blue sweatshirts, white tee-shirts, blue jeans and black army boots.

80. Moreover, the Film bears little resemblance to McMurray's fraternity or life experience.

81. Among the striking similarities is that the *same numbers of pledges are* the focus of both the Book and the Film.

82. Both the Book and Film start with 6 students pledging the fraternity and both end the story with 5 students pledging the fraternity.

83. This is not common at HBCU organizations – like Howard where McMurray went– because at those predominantly African-American schools, the African-American fraternities have very large pledge lines.

84. Instead, a small pledge line is most common at African-American fraternities in predominantly white institutions *like Millersville*.

85. Further, as set forth above, the characters in the Film and the Book attend a *rural* college.

86. Indeed, many of the plot points revolve around the rural nature of the college.

87. As noted earlier, McMurray has attended and resided in metropolitan areas for the majority of his life.

88. The rural setting of the Book and the Film is directly at odds with McMurray's own urban college experience, but *strikingly similar to Quarles' experience*.

89. The substantially similar elements, coupled with Defendants' access to Plaintiff's Book—which was widely disseminated on the internet, social media, and was readily available on Amazon—leaves little doubt that numerous substantive original elements of the Burning Sands Books are copied in the Burning Sands Film.

FIRST CLAIM FOR RELIEF
COPYRIGHT INFRINGEMENT - 17 U.S.C. § 101 *et seq.*
(PLAINTIFF v. ALL DEFENDANTS)

90. Plaintiff hereby incorporates by reference all of the paragraphs of this Complaint as though fully set forth herein at length.

91. Upon information and belief, and as detailed below, the Defendants knowingly and willfully copied the Burning Sands Book and original elements therein to create a work substantially similar to and derivative of Plaintiff's copyrighted books.

92. The substantial, salient, and original aspects of the Book—which are copyrightable under 17 U.S.C. § 101, et seq. (the “Act”) and the laws of the United States—that were copied in the Film include but are not limited to:

The Characters

	Burning Sands Book	Burning Sands Film
1	The central character is a young black man named Omar who goes by a single letter nickname (O).	The central character is a young black man named Zurich who goes by a single letter nickname (Z).
2	The central character, O, is a family man with a close relationship to his father.	The central character, Z, is a family man with a close relationship to his father.
3	The central character, O, is tall and athletic.	The central character, Z, is tall and athletic.
4	The central character, O, is determined to pledge to prove that he is worthy and capable.	The central character, Z, is determined to pledge to prove that he is worthy and capable.
5	The central character, O, is a poet who frequently writes and recites poems. O finds joy and strength in writing.	The central character, Z, is a strong writer who finds joy and strength in writing.
6	The central character’s father is a Shriner and a Mason and was hazed during initiation for both organizations.	The central character’s father attempted to pledge a fraternity in college, but “dropped the line.”
7	The central character’s father and his experience of pledging are used as inspiration by his son, O.	The central character, Z, uses his father’s failure to “cross the line” as motivation during the pledging process.
8	The central character’s father worries about his son’s involvement with a fraternity.	The central character’s father worries about his son’s involvement with a fraternity.
9	The central character’s father is a source of comfort for the central character (O) during difficult times.	The central character’s father is a source of comfort for the central character (Z) during difficult times.
10	The smart character among the pledges owns the only car that the pledges have to drive in.	The smart character among the pledges owns the only car that the pledges have to drive in.
11	One of the big brothers is particularly mean and cruel. This bully character is named Big Bill.	One of the big brothers is particularly mean and cruel. This bully character is named Big C.

12	One of the characters, O, is a virgin who is mocked for it. O is also generally much more religious than the other pledges and regularly prays.	One of the characters, Ron, is a virgin who is mocked for it. Ron is also generally much more religious than the other pledges and regularly prays.
13	The central character (O) has a petite, studious, and political girlfriend named Lauren.	The central character (Z) has a petite, studious, and independent girlfriend named Rochon.
14	The central character's girlfriend, Lauren, has a unique "artsy" sense of fashion.	The central character's girlfriend, Rochon, is a fashion major with an unusually stylish way of dressing.
15	The central character's girlfriend, Lauren, is nurturing and affectionate. She provides the central character (O) with emotional support during the pledging process and worries about him.	The central character's girlfriend, Rochon, is nurturing and affectionate. She provides the central character (Z) with emotional support during the pledging process and worries about him.
16	The central character (O) has another love interest named Janet. Janet is a diva character who is much larger and more voluptuous than the central character's girlfriend (Lauren).	The central character (Z) has two other love interests named Toya and Angel. Toya and Angel are diva characters who are much larger and more voluptuous than Rochon.
17	The love interest (Janet) is associated with the fraternity because she is dating Big Bill. The central character flirts with Janet before a pledging activity.	One of the love interests (Toya) is associated with the fraternity because she is part of a pledging ritual and regularly spends time at the fraternity. The other love interest (Angel) is associated with Greek life and the fraternity because she is in a sorority and dances with the main character at a fraternity party before a pledging activity.
18	There is an older character who serves as an advisor to the fraternity named George.	There is an older character who serves as an unofficial fraternity advisor named Dean Richardson.
19	The fraternity advisor (George) is viewed as a big brother and is respected by the members of the fraternity.	The fraternity advisor (Dean Richardson) is viewed as a big brother and is respected by the members of the fraternity.
20	The fraternity advisor (George) is still connected to the college through his status as an alumni and his close relationship with Dr. Hughes.	The fraternity advisor (Dean Richardson) is a dean at the college and was a member of the fraternity when he was in college.

21	The fraternity advisor (George) serves as a mediator between the fraternity and the college.	The fraternity advisor (Dean Richardson) serves as a mediator between the fraternity and the college.
22	The fraternity advisor, George, gives advice to the pledges several times.	The fraternity advisor, Dean Richardson, checks in on the pledges and advises Z to continue the pledging process.
23	The fraternity advisor, George, tells the pledges that hazing is not officially allowed. Despite this warning, George knows that hazing occurs.	The fraternity advisor, Dean Richardson, warns the pledges that hazing is not officially allowed, while at the same time fueling the pledging passion with full knowledge that hazing is occurring.
24	The two female teacher characters that worry about the pledges and take a special interest in getting them to focus on their school work are named Professor Jackson and Dr. Hughes.	The female teacher character that worries about the pledges and takes a special interest in getting them to focus on their school work is named Professor Hughes.
25	Dr. Hughes has a close relationship with the fraternity advisor, George.	Professor Hughes has a close relationship with the fraternity advisor, Dean Richardson.
26	Professor Jackson and Dr. Hughes take on nurturing and protective roles when they urge the main character to be a leader, notice the injuries that the pledges are sustaining, and complain to the fraternity advisor.	Professor Hughes takes on a nurturing and protective role when she urges the main character to be a leader, notices the injuries that the pledges are sustaining, and comments on them to the fraternity advisor.
27	An emotionally obtuse and edgy pledge (Trey) dies due to causes related to hazing.	An emotionally obtuse and edgy pledge (Frank) dies due to causes related to hazing.
28	The pledge that dies (Trey) had been the most determine to pledge and the most vocal about his determination.	The pledge that dies (Frank) had been the most determine to pledge and the most vocal about his determination.
29	The pledge that dies (Trey) is notable for his physical and mental strength.	The pledge that dies (Frank) is notable for his physical and mental strength.

Scenes / Dialogue

	Burning Sands Book	Burning Sands Film
1	The fraternity brothers are called Lambdas or "Lambda Men."	The film opens with a narrator describing the traits of "Lambda Men."

2	A quote from Matthew 22:14, "many are called, but few are chosen," is repeated throughout the books.	The opening scene contains the phrase "only a chosen few make it to the other side."
3	The central character (O) draws inspiration from his father's experience pledging.	The central character (Z) uses his father's failure to "cross the line" as motivation.
4	The pledges all use one car belonging to the smart character for the pledging process.	The pledges all use one car belonging to the smart character for the pledging process.
5	There are several hazing episodes in the country and the death of a pledge (Trey) occurs by the stream in a rural setting.	A hazing incident occurs by a stream in the woods in a rural setting.
8	The torture, humility and servitude the pledges suffer are frequently compared to slavery.	The torture, humility and servitude the pledges suffer are compared to slavery throughout the film. The school is named "Frederick Douglass University." Further, Professor Hughes lectures on slavery and the legacy of Frederick Douglass. Moreover, a scene involving a class discussion on slavery occurs right after scenes involving pledging activities.
9	At the end of the first Book, one pledge drops out of the pledging process.	At the beginning of The Film in the first scene, one pledge drops out of the pledging process.
10	The fraternity that the pledges are trying to become members of is called Phi Lambda Tau.	The fraternity that the pledges are trying to become members of is called Lambda Lambda Phi.
11	During a hazing ritual, a pledge (Trey) steps in to take a physical punishment on behalf of the central character (O) to save him from injury, demonstrating camaraderie and bravery.	During a hazing ritual, a pledge (the 6 th pledge) steps out to take a physical punishment on behalf of the central character (Z) to save him from injury, which demonstrates bravery and camaraderie. The central character (Z) later steps out to eat dog food for another pledge for the same purposes.
12	The pledges are dropped in the countryside and must make their way home.	The pledges must find their own way back to campus after pledging rituals that take place off campus.
13	The pledges perform physical and emotional stress tests including scavenging for food and objects for the fraternity brother with the car.	The pledges perform physical and emotional stress tests including scavenging for food and objects for the fraternity brother with the car.

14	The central character (O) and one of the love interests (Janet) exchange knowing looks at a party.	The central character (Z) and one of the love interests (Toya) exchange knowing looks at a restaurant.
15	The pledges are forced to run up the stairs in the dorm.	The pledges are forced to run up the stairs in the dorm.
16	The central characters, including (O), occasionally leave campus with its challenges and risks of pledging in order to return to the comfort, safety, and familiarity of their homes and families.	The central character (Z) receives text messages from his father, which are shown on the side of the screen so that the audience can read and experience the father's presence spatially and visually. The texts interrupt the pledging process and remind the main character of a place that is home where his family resides and from which he draws support.
17	The first fraternity to perform a step show on campus is Omega.	The first fraternity to perform a step show on campus is Omega.
18	The central character (O) arrives late to a class where one of the main female teacher characters (Professor Jackson) is handing out final exams.	The central character (Z) arrives late to a class where the main female teacher character (Professor Hughes) is handing back graded papers.
19	One of the main female teacher characters (Professor Jackson) tells the central character (O) that she knows every time he is late and every time he sleeps in class.	The main female teacher character (Professor Hughes) says "It's good to see you're awake behind those closed eyes" to the central character (Z) during her class.
20	One of the main female teacher characters (Professor Jackson) pulls the central character (O) out of class to lecture him on responsibility and taking control of his life when he is late for a final exam.	The main female teacher character (Professor Hughes) calls the central character (Z) into her office in order to try and make him take responsibility for his life and schoolwork after he is late to class.
21	The central character (O) sees one of his love interests (Janet) working a charity table on campus during a party.	The central character (Z) sees one of his love interests (Angel) working a charity table on campus during a fair.
22	A character who serves as the fraternity advisor (George) tells pledges that hazing is not officially allowed, but knows that it does occur and does not seek to put an end to it.	An authority-figure character with connection to the fraternity (Dean Richardson) warns the pledges that hazing is not officially allowed while at the same time fueling the pledging passion with full knowledge that hazing is occurring.

23	A character who serves as the fraternity advisor (George) gives advice to the pledges several times.	A character who serves as the unofficial fraternity advisor (Dean Richardson) checks in on the pledges and advises the central character (Z) to continue the pledging process.
24	The central character's girlfriend (Lauren) helps the central character with the tasks of pledging by giving him money.	The central character's girlfriend (Rochon) helps the central character (Z) by giving him money for pledging activities.
25	One of the pledges (O) who is mocked for being a virgin.	One of the pledges (Ron) is mocked for being a virgin and praying.
26	At a student center before a party and before intense pledging activities one of the love interests (Janet) pulls the main character (O) close and dances with him in a sexual manner or "grind[s] on her."	At a fraternity party before intense pledging activities one of the love interests (Angel) pulls the main character (Z) close and dances with him in a sexual manner or "get[s] with" her.
27	At a fraternity party, the brothers make an alcoholic punch called "lambda punch."	At a fraternity party, the brothers make an alcoholic punch called "lambda juice."
28	A fraternity brother spits in the face of one of the pledges and then the pledges are subjected to a hazing ritual where paddles are used on the pledges' behinds.	A fraternity brother spits in the face of one of the pledges and then the pledges are subjected to a hazing ritual where paddles are used on the pledges' behinds.
29	The pledges are beaten across the torso.	The pledges are beaten across the torso.
30	The central character (O) delivers flowers to his girlfriend (Lauren) at a time when the relationship is especially important to him and he feels the need to demonstrate his devotion after previously neglecting her.	The central character (Z) delivers a flower and a present to his girlfriend (Rochon) at a time when the relationship is especially important to him and he feels the need to demonstrate his devotion after previously neglecting her.
31	The central character (O) delivers the flowers to his girlfriend (Lauren) in a stealthy manner by picking the flowers in the college President's yard at night and then delivering them in time for her parents' arrival.	The main character (Z) delivers the flowers to his girlfriend (Rochon) in a stealthy manner by placing them in her room while she sleeps and without her knowing in time for her birthday.

32	The central character's father expressed concern about his son's involvement with a fraternity when he told him "don't be wasting my money up here worrying about a damn fraternity. But if you pledge, you both need to know that you can make it."	The central character's father worries about his son's involvement with a fraternity as suggested by his father's texts and his son's silence when he is asked what his father thinks about him pledging by a female character (Toya).
33	One of the main female teacher characters (Dr. Hughes) stops the central character (O) when he is running to class one morning.	The main female teacher character (Professor Hughes) stops the main character (Z) and tells him to walk with her when he is rushing across campus in the morning.
34	One of the main female teacher characters (Dr. Hughes) comments on the fact that the pledges are injured because they are being hazed when they come to her office.	The main female teacher character (Professor Hughes) tells the central character (Z) that she knows that he is injured when they are walking together on campus.
35	The central character (O) suffers severe injuries to the ribs/torso after being beaten, which causes him to have breathing problems.	The central character (Z) suffers severe injuries to the ribs/torso after being beaten, which causes him to have breathing problems.
36	The central character (O) repeats the mantra "mind over matter" in order to focus on the pledging instead of the pain and other struggles.	The central character (Z) repeats the mantra "mind over matter" in order to focus on the pledging instead of the pain and other struggles.
37	One of the main female teacher characters (Professor Jackson) urges the central character (O) to be a leader while she is lecturing him outside of a classroom. Professor Jackson says "Omar, you will begin today to play this game called life like a winner ... Society wants you to sit in the back of the class, but we need you to sit up front and take the lead."	The main female teacher character (Professor Hughes) urges the central character (Z) to lead by example because he is a leader during a tense conversation on campus. Professor Hughes says "You know, you don't always choose to be a leader. People gravitate to you. You can't run from it. ... I want you to take that passion and lead by example."

38	One of the main female teachers (Dr. Hughes) calls the fraternity advisor (George) to complain that the pledges are being treated too harshly and appear injured (due to being paddled on the backside).	The main female teacher character (Professor Hughes) chastises the adult character who is very involved with the fraternity (Dean Richardson) when she notices that one of the pledges (Z) is injured because she is worried that the pledges are being brutally hazed.
39	Several hazing episodes take place in the country in a rural setting.	A hazing episode takes place in the country in a rural setting.
40	One pledge (Trey) says “[T]hey will have to drag my cold limp body out of the house before I drop because someone is beating my ass.”	The pledges chant “Lambda Lambda Phi ‘till we die.”
41	On two occasions the pledges run into white police officers during an evening pledge event and are able to talk themselves out of trouble because the police officers are understanding of their situation.	The pledges run into white police officers during an evening pledge event and are able to talk themselves out of trouble because the police officers are understanding of their situation.
42	One of the police officers was in a fraternity himself, which suggests that he felt sympathetic and lenient towards the pledges for this reason.	One of the police officers says “So much for the code of silence, huh? I was a fraternity brother myself. You get up out of the woods and don’t let me catch you here after hours again.”
43	The central character (O) obtains an injury to his ribs from hazing. It causes him to wince when he removes his shirt and the female character he is with (Lauren) comments on his injury.	The central character (Z) obtains an injury to his ribs from hazing. It causes him to wince when he removes his shirt and the female character he is with (Toya) comments on his injury.
44	The central character (O) and his girlfriend (Lauren) have a falling out and he tries to repair the relationship.	The central character (Z) and his girlfriend (Rochon) break up and he tries to repair the relationship.
45	The pledges are blindfolded during a hazing ritual.	The pledges are blindfolded during a hazing ritual.
46	The pledge who dies (Trey) and the central character (O) are fighting at the time of Trey’s death.	The pledge who dies (Frank) and the central character (Z) fight the night before Frank’s death.
47	The central character (O) struggles with his awareness of the cruelty of the pledging process and the lack of independence pledging produces.	The central character (Z) vocalizes that he is struggling with his awareness of the cruelty of the pledging process and the lack of independence pledging produces to Dean Richardson and the other pledges.

48	The central character (O) recites an Edward Guest poem (Don't Quit) about perseverance. O recites "When things go wrong, as they sometimes will,/ When the road you're trudging seems all up hill, / When the funds are low and the debt are high, And you want to smile, but you have to sigh,/ When cares are pressing you down a bit,/ Rest if you must, but don't you quit. ... /"	The central character (Z) recites an Edward Guest poem (See It Through) about perseverance. Z recites "When you're up against trouble, meet it face to face. Lift your chin and say short is pain for me and take a brace..."
49	At a time when the central character (O) is feeling overwhelmed by the pledging process, he writes a poem entitled "Thank You" which sustains and strengthens his will to continue the pledging process.	During the last hours of hell week after being emotionally and physically beaten, the central character (Z) writes a paper on Frederick Douglass, which fuels him to finish the pledging process.
50	The pledges are forced to eat dog food.	The pledges are forced to eat dog food.
51	During a hazing ritual, a pledgee (Trey) steps in to take a physical punishment on behalf of the central character (O) to save him from injury, demonstrating camaraderie and bravery.	The central character (Z) steps out to eat dog food for another pledge in order to save the other pledge from suffering. This action demonstrated camaraderie and bravery.
52	At the final stage of initiation, one pledge (Trey) dies. The death of the pledge is attributed to hazing (suicide due to the experience of being hazed.)	At the final stage of initiation, one pledge (Frank) dies. The death of the pledge is attributed to hazing (injuries obtained during the final hazing ritual).
53	Prior to his death, the pledge who died (Trey) had said "[T]hey will have to drag my cold limp body out of the house before I drop because someone is beating my ass."	The pledges carry the limp body of the pledge who died (Frank) out of the barn where the hazing ritual occurred after he sustained a fatal injury from being beaten.
54	The death of the pledge (Trey) causes the central character (O) to express regret and renewed ambivalence about pledging and joining the fraternity.	The death of the pledge (Frank) causes the central character (Z) to express regret and renewed ambivalence about pledging and joining the fraternity.

55	The central character (O) recalls a poem his father made him learn, a scripture quote his father once told him, and fond memories of his father for strength during the pledging process.	The central character (Z) makes the first phone call of the film to his father when he is in anguish and looking for support. The lyrics playing in the sound track to the final scene highlight the father's role as a source of strength and comfort. These lyrics are "I'll go through the fire for you / it started with 'our father' / more than ever / I need you now, father / fear don't live far away. ... I know the struggle is our heritage / certain pieces of pain / can't be parented / don't wanna fall in the same place / my parents did / the sins of the father inherited ..." The central character also receives a pep talk about the pledging process where his desire to make his father proud is invoked.
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The Themes

	Burning Sands Book	Burning Sands Film
1	The primary focus is the secretive, brutal, and often torturous experience of pledging an African American fraternity at a Historical Black College or University (HBC/U).	The primary focus is the secretive, brutal, and often torturous experience of pledging an African American fraternity at a Historical Black College or University (HBC/U).
2	The death of the pledge concludes The Book without further plot or thematic development.	The death of the pledge concludes The Film without further plot or thematic development.
3	The theme is developed by portraying both the positive and negative aspects of the pledging process. The positive aspect of the unique camaraderie established among young Black men at HBC/Us who pledge and are fraternity brothers is contrasted against the tragedies and risks to one's education, personal relationships outside of the fraternity, and the health that pledging engenders.	The theme is developed by portraying both the positive and the negative aspects of the pledging process. The positive aspect of the unique camaraderie established among young Black men at HBC/Us who pledge and are fraternity brothers is contrasted against the tragedies and risks to one's education, personal relationships outside of the fraternity, and the health that pledging engenders.

4	The theme is built around a central character (O) whose determination to pledge in order to prove himself worthy and capable comes into conflict with the cruelty of the pledging process and the lack of independence produced by the pledging process.	The theme is built around a central character (Z) whose determination to pledge in order to prove himself worthy and capable comes into conflict with the cruelty of the pledging process and the lack of independence produced by the pledging process.
5	There is a focus on the tragic irony of the fact that these young black men put themselves through this brutal process in order to join an elite club of networked, successful black male professionals. Comparisons between slavery and the torture, humiliation, and servitude that the pledges suffer are made in order to comment on the irony that black fraternities, which were formed in order to overcome the vestiges of slavery by empowering these young men, utilize this process as an entry requirement.	There is a focus on the tragic irony of the fact that these young black men put themselves through this brutal process in order to join an elite club of networked, successful black male professionals. Comparisons between slavery and the torture, humiliation, and servitude that the pledges suffer are made in order to comment on the irony that black fraternities, which were formed in order to overcome the vestiges of slavery by empowering these young men, utilize this process as an entry requirement.
6	The title, <i>Burning Sands</i> , derives from the term “crossing the burning sands” as a metaphor for initiation into the fraternity.	The title, <i>Burning Sands</i> , derives from the term “crossing the burning sands” as a metaphor for initiation into the fraternity.

The Setting

	Burning Sands Book	Burning Sands Film
1	The action takes place on the campus of a HBC/U in a country/rural setting (Quarles attended college and pledged in a rural area, Lancaster, Pennsylvania.)	The action takes place on the campus of a HBC/U in a country/rural setting (McMurray attended college and pledged in an Urban area-Washington, D.C.)
2	The geographical setting is composed of the campus quadrangle, dormitories, cafeteria, classrooms, the large fraternity houses on fraternity row and the nearby woods, country fields and a stream.	The geographical setting is composed of the campus quadrangle, dormitories, cafeteria, classrooms, the large fraternity houses on fraternity row and the nearby woods, country fields and a stream.

3	The fraternity house has large three foot tall Greek letters and pillars on the outside.	The fraternity house has large three foot tall Greek letters and pillars on the outside.
4	A fraternity bench is located on the campus/yard.	A fraternity bench is located on the campus/yard.
5	A distinction is regularly made between the college and non-college settings during the interludes where the main characters leave campus and return to their homes and families in Philadelphia. These interludes highlight the differences between the challenges of college and pledging a fraternity and the safety, comfort, and familiarity of home.	A distinction is regularly made between the college and non-college settings when the central character receives text messages from his father which are shown on the side of the film screen in order to allow the audience to read and experience the father's presence spatially and visually. These intermittent text messages interrupt the main character's life on campus and struggles with the pledging process with reminders of another life. The text messages in The Film symbolize an "away" for the main character, which is the supportive environment of his home and family.
6	The campus and fraternity house are portrayed as distinct from the off-campus community, country, and woods in order to emphasize the isolation, alienation, and limbo the pledges experience as college students (and not townies), as pledges (and not ordinary undergraduate men), and as far away from home and school (not even on campus, but dropped in the middle of the woods near ominous water).	The campus and fraternity house are portrayed as distinct from the off-campus community, country, and woods in order to emphasize the isolation, alienation, and limbo the pledges experience as college students (and not townies), as pledges (and not ordinary undergraduate men), and as far away from home and school (not even on campus, but dropped in the middle of the woods near ominous water).

The Plot and Sequence of Events

	Burning Sands Book	Burning Sands Film
1	The pledging process occurs during the second semester of freshmen year. The Book opens during the early stages of the pledging process.	The pledging process occurs during the second semester of freshmen year. The Film opens during the early stages of the pledging process.

2	The Book begins with a pledge class of six young men, but one pledge drops out at the end of Volume 1. The final pledge class going into hell week is composed of five men.	The Film begins with a pledge class of six young men, but the sixth pledge drops out in the first scene. The final pledge class going into hell week is composed of five men.
3	The pledges undergo a series of emotional and physical stress tests as part of the pledging process. These include retrieving items such as food and beer for the big brothers with the car, eating dog food, being beaten with paddles, and being blindfolded in addition to enduring verbal abuse.	The pledges undergo a series of emotional and physical stress tests as part of the pledging process. These include retrieving items such as food and beer for the big brothers with the car, eating dog food, being beaten with paddles, and being blindfolded in addition to enduring verbal abuse.
4	The pledges struggle to balance their school work and outside relationships during the day with the intense pledging activities that occur at night.	The pledges struggle to balance their school work and outside relationships during the day with the intense pledging activities that occur at night.
5	Characters outside of the fraternity, including the nurturing female teachers, the central character's father, and the central character's girlfriend, become concerned about the toll that the hazing process takes on the pledges.	Characters outside of the fraternity, including the nurturing female teachers, the central character's father, and the central character's girlfriend, become concerned about the toll that the hazing process takes on the pledges.
6	Characters obtain severe injuries during the pledging process.	Characters sustain severe injuries during the pledging process.
7	A love triangle between Lauren, O, and Janet is employed in order to structure the tension between the risks and rewards of pledging with Lauren representing the aspect of pledging that involves building a community, making connections, and enriching one's emotional and intellectual life and Janet representing the dangers and risky behaviors that come with pledging.	A love triangle between Rochon, Z, and Toya/Angel is employed in order to structure the risks and rewards of pledging. Rochon is not involved in Greek life and discusses intellectual and political subjects with Z. Toya and Angel are explicitly connected to the fraternity and risky behaviors of pledging. These two types of women represent different sides of the pledging process.
8	The central character (O) begins to feel conflicted about the pledging process, but continues to participate in the rituals.	The central character (Z) begins to feel conflicted about the pledging process, but continues to participate in the rituals.

9	A pledge (Trey) dies due to hazing (suicide.)	A pledge (Frank) dies due to hazing (aortic rupture due to having sustained repeated blows during a hazing ritual.)
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V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- a) That the Court find that Defendants have infringed Plaintiff's copyrights in the Book;
- b) That the Court find a substantial likelihood that Defendants will continue to infringe Plaintiff's copyrights in the Book unless enjoined from doing so; that they be enjoined from directly or indirectly infringing Plaintiff's copyrights in the Book or continuing to market, offer, sell, dispose of, license, lease, transfer, display, advertise, reproduce, develop, or manufacture any works derived or copied from the Book or to participate or assist in any such activity;
- c) That Defendants, their directors, officers, agents, servants, employees, and all other persons in active concert or privity or in participation with them, be enjoined to recall from all distributors, wholesalers, jobbers, dealers, retailers, and distributors, and all others known to Defendants, any originals, copies, facsimiles, digital files, or duplicates of any works shown by evidence to infringe any copyright in the Book;
- d) That Defendants be enjoined to deliver upon oath, to be impounded during the pendency of this action and destroyed pursuant to judgment herein, all originals, copies, facsimiles, digital files, or duplicates of any work shown by the evidence to infringe any copyright in the Book;

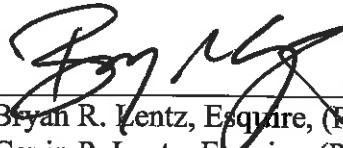
- e) That Defendants be required to file with the Court and to serve on Plaintiff, within 30 days after service of the Court's order as herein prayed, a report in writing under oath setting forth in detail the manner and form in which Defendants have complied with the Court's order;
- f) That at Plaintiff's election, if so made, judgment be entered for Plaintiff and against Defendants for Plaintiff's actual damages according to proof, and for any profits attributable to infringements of Plaintiff's copyrights in The Book, in accordance with proof, plus prejudgment interest;
- g) That at Plaintiff's election, if so made, judgment be entered for Plaintiff and against Defendants for statutory damages based upon Defendants' acts of infringement, pursuant to the Copyright Act of 1976, 17 U.S.C. § 101, et seq.;
- h) That Defendants be required to account for all of their gains, profits, and advantages derived from Defendants' acts of infringement and for their other violations of law alleged herein;
- i) That all gains, profits, and advantages derived by Defendants from their acts of infringement and other violations of law alleged herein be deemed to be held in constructive trust for the benefit of Plaintiff;
- j) That Plaintiff obtain a judgment against Defendants for Plaintiff's costs and attorney's fees;
- k) That the Court grant such other and further relief as the Court deems just and proper under the circumstances.

Respectfully submitted,

BOCHETTO& LENTZ, P.C.

Date: July 18, 2017

By:


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